



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 25, 2005.

John S. Nagy, Esq., Reg. No. 30,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/777,451  
Applicants : Lilip Lau, Matthew G. Fishler, Craig Mar  
Filed : February 12, 2004  
Art Unit : 3762  
Examiner : Alyssa M. Alter  
Title : CARDIAC HARNESS FOR TREATING CONGESTIVE HEART  
FAILURE AND FOR DEFIBRILLATING AND PACING

Docket No.: : PARCR 67465  
Customer No. : 24201

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

This Terminal Disclaimer is submitted pursuant to the Office action mailed January 27, 2006 to which a response is due April 27, 2006.

The owner, Paracor Medical, Inc. ("Paracor"), of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on U.S. Patent Application Serial Nos. 10/656,722 (filed September 5, 2003); 10/793,546 (filed March 3, 2004); 11/002,609 (filed December 2, 2004);

Repln. Ref: 04/27/2006 HDESTA1 0013351900  
DAH:062425 Name/Number:10777451  
FC: 9204 \$45.00 CR

04/27/2006 HDESTA1 00000113 10777451

65.00 OP

01 FC:2814

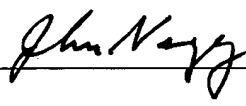
11/051,823 (filed February 4, 2005), as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

The required fee in accordance with 37 C.F.R. § 1.20(d), in the amount of \$110 is enclosed to cover the disclaimer. Please charge any additional fees or credit any overpayment to Deposit Account No. 06-2425. The undersigned is an attorney of record.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

  
John S. Nagy

Registration No. 30,664

JSN:jeb

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
124088.1

Date Code:

Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Filed pursuant to the Consolidated Appropriations Act, 2005 (H.R.

# **FREE TRANSMITTAL for FY 2006**

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** **\$110.00**

## **Complete if Known**

Application Number	10/777,451
Filing Date	February 12, 2004
First Named Inventor	Lilip Lau
Examiner Name	Alyssa M. Alter
Art Unit	3762
Attorney Docket No.	PARCR 67465

## **METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Deposit Account Number: 06-2425 Deposit Account Name: FULWIDER PATTON LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)

### **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### **2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** Extra Fee (\$)  
- 20 or HP = \_\_\_\_\_ x \$9.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** Extra Fee (\$)  
- 3 or HP = \_\_\_\_\_ x \$43.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

### **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)  
- 100 = 0 / 50 0 (round up to a whole) x \$125.00 = \$0.00

### **4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer

**\$110.00**

## **SUBMITTED BY**

Signature	<i>John S. Nagy</i>	Registration No. (Attorney/Agent)	30,664	Telephone	(310) 824-5555
Name (Print/Type)	JOHN S. NAGY, ESQ.		Date	April 25, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.